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Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/74/452

Date:24.04.2018

Hearing Date: 03.04.2018

CASE NO.74/2018

In the matter of refund of excess amount according to tariff difference

Dr. S.J.Hariyani,
Unit No.203/202/201,
Plot.101,Secotr-21,
Nerul,Navi Mumbai.
(CONSUMER NO. 000338471173,000338471165,000338471175 and
000338484381)
. . . . (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited
through its Nodal
Officer,
Vashi Circle,Vashi
. . . . (Hereinafter referred as Licensee)

Appearance : For Mr. Asmita B. Patil, Assit. Enginner, Nerul Sdn.
Licensee
For Consumer – Mr.Suraj Chakraborty – **Consumer Representative**

[Coram- Shri A.M. Garde- Chairperson, Shri. R.S.Avhad -Member Secretary
and Sharmila Rande - Member (CPO)].

1. Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra

Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity.

2. Consumer herein is one Dr. S.J. Hariyani having consumer Nos. 000338471173,000338471165,000338471175 and 000338484381 LT commercial to Public service.
3. Grievance is that the petitioner is LT (Low Tension) consumer a Govt. Recognised Dispensary/Pathology. The Petitioner is affiliated to Doctor Association of Mumbai. The petitioners are having all registrations and permissions from State Govt. The date of connection is year 2000. From the date of connection, the petitioner are having the tariff as per Hon'ble MERC guideline i.e. commercial from D.L.(Distribution Licensee MSEDCL and the tariff is concessional tariff i.e. public Services- tariff category till the date 01.08.2012 introduce by Commission.
4. But on dated 01.08.2012 the MSEDCL official have not changed tariff to public services as per their own Circular 175. Which is bad in law.
5. In spite of our frequent follow up verbally, the MSEDCL has not corrected our tariff till date Nov. 2017 and not refunding excess amount. The MSEDCL has charged us commercial tariff form 2012 to till date. Which is never intimated to us nor have we given any commitment note. It is MSEDCL duty to refund back and change our tariff as per corrected in time.
6. The petitioner is a public services and commercial tariff is not applicable to them. So we have written a letter to Sub-Div S.D.O. 04.09.2017. But still

tariff is not corrected. The said negligence has taken place to generate revenue of MSEDCL, which violation of law. How MSEDCL, which violation of law. How MSEDCL can take such action without intimating his consumer.

7. The MSEDCL also violated the Hon'ble MERC guideline tariff order 2008 and 2012; MSEDCL concern officer must be booked under section 142 and under section 146 of E.A.2003. Non compliance of Commission order. Please levy us the public services tariff from the date August 2012 and refund us the excess amount paid by us with interest @ 18% per year as per section 62 (6) of E.A. 2003.

8. D.L. in reply contends that

a) This office has received change of tariff application on 04.09.2017 for consumer No. 000338484381 (inward No. 6194), consumer No. 000338471165 (inward No. 6195), consumer No. 0008471157(inward No. 6196), consumer No. 0003384381(inward No. 6197), and consumer No. 000338471181 (inward No. 6198).

b) Out of which connection bearing consumer no. 00033844711819inward No. 6198) is residential connection on name of Mrs. S.J. Hariyani not even mentioned as Dr..

c) As per MERC order in 2012 and corresponding commercial circular list of all hospital was taken from IT, and tariff was revised to public services after spot verification. However, connection issued on name of doctors cannot be verified as doctorate could be of various fields.

d) Therefore, tariff for connection the name of doctors is revised from the date of application as and when the consumer applied for the same.

e) Also, there is confusion in names, Hariyani/Bhansali/Bhanushali Medical certificate in name of Dr. Bhansali which is for plot No. 101 which has a 4 storey building having different activities.

9. We have heard both sides. There is no dispute that Hospitals here been since 2012 (case No.19 of 2012 MERC) categorised as public services with concessional tariff than earlier commercial tariff. Consumer contends that he has a hospital in the consumer address as such he is entitled for categorization as Public service for the purpose of tariff which has not been done.
10. Now, to show that consumer has been running a hospital at the consumer address he has produced one certificate of registration from Navi Mumbai Municipal corporation. It is can be seen from the document however that the address shown in sector-21, Plot No.101, Nerul, Navi Mumbai 400706. Admittedly the hospital is not in the a whole of the building on plot No. 101. The spot inspection report says that hospital is run in four units from the building. They are flat No. 201,202,203 and 204. These nos are not shown in the registration certificate. Hence there is no authentic document to show that hospital is being run in some definite premises. Further there is also discrepancy in the consumer's documents themselves, in as much as consumer has produced bills showing consumer No. 338484381 at Shop No. 28, consumer No. 000338471165 at flat No.202, consumer No. 000338471173 at flat No. 203, consumer no. 000338471153 at flat No. 201 where as in the inspection report –Shop No.28 is not mentioned at all instead are flat No.204 in shown therein for which there is supply connection shown. No bill of flat No.204 is produced. This being so, the connections raised in the reply by D.L. are acceptable. Even they find on consumer no. 0003384711579 residential connection. Which is apparently illegal in commercial user. With this state of affairs it would not

be possible to say that hospital is being run in a defined premises for which a particular supply connection has to be tariffed under public service.

11. In the above background it is incumbent upon the consumer to get everything regularized including the residential connection being used for hospital. Having four connections to the hospital is also irregular if not totally illegal.
12. Under above circumstances consumer has to first get his premises defined for use of hospital and include the same in the registration certificate and then ask for change of tariff.
13. So far as previous difference of tariff the question does not arise here. Even otherwise there is nothing to show that D.L. has applied wrong tariff in spite of knowledge for the retrospective period.
14. Hence Grievances fails.

ORDER

1. Grievance is dismissed.

The compliance should be report within 30 Days.

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address. " Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606, Keshav Building, Bandra - Kurla Complex, Bandra (E), Mumbai - 400 051"
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and Ombudsman) Regulation 2003" at the following address:-

"Maharashtra Electricity Regulatory Commission, 13th floor, world Trade Center, Cuffe Parade, Colaba, Mumbai 05"

- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**ANANT M. GARDE
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**